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“The Clarification of What Occurred in America”

The Verdict of Shaykh Hāmūd bin ‘Uqlā’ Ash-Shu‘aybī ()

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Question:

O virtuous *Shaykh* Hamūd Ibn ‘Abdillāh Ash-Shu‘aybī, may Allāh preserve you. May peace be upon you and the Mercy of Allāh and His Blessings.

And to proceed:

The discussions concerning the explosions that occurred in America have become numerous. Now there are either those who support it and bless it and those who condemn it. So which is the correct, of the two points of view, according to your opinion?

Answer:

All Praise is for Allāh, the Lord of all that exists and may blessings and peace be upon the Prophet, the Trustworthy and upon his family and his companions altogether, and whoever is upon their path until the Day of Recompense.

As to what follows:

Before answering this question, we must understand that any decision that comes from the disbelieving country of America – especially the military declaration of war – were not made except by consulting with the general opinion or by means of referendum or by the members of their legislative bodies. And these bodies reflect the opinions of the people precisely through their members of congress.

And due to this, any American who voted for the military strike, then he is a *Mu’hārib*.¹ And even in the least level, he would be a supporter and a helper as this will be clarified shortly, *Inshā’Allāh*.

And it must be known that the thing which governs the ties between the Muslims and the *Kuffār* is the Book of Allāh and the *Sunnah* of His Prophet

and not the politics or personal benefits. And this issue has been clarified by the Glorious Book. And it clarified it with the most unambiguous elucidation due to its great importance and the dire threat (of misunderstanding it). So if we refer to the Glorious Book, we see with certainty that it did not leave any doubt or misunderstanding in this issue.

¹ *Mu’hārib*: (lit. “Combatant”) One who is not protected by a covenant with the Muslims and therefore his blood and wealth are permissible.

And the many verses, which discuss this issue, focus upon two matters. And these are *Al-Walā'* and *Al-Barā'*. And this indicates that *Al-Walā'* and *Al-Barā'* is a pillar from the pillars of the *Sharī'ah*. And the '*Ulamā'* of the *Ummah* – both its past and contemporary ones – have agreed upon this. He, the Most High said, concerning the warning of allying oneself with the *Kuffār*, and taking them as *Awliyā'* (i.e. allies) and going to them for assistance:

"O you who believe! take not the Jews and the Christians as *Awliyā'* (friends, protectors, helpers, etc.), they are but *Awliyā'* to one another. And if any amongst you takes them as *Awliyā'*, then surely he is one of them." (*Al-Mā'idah*, 51)

And He, the Most High, said:

"O you who believe! Take not my enemies and your enemies (i.e. disbelievers and polytheists, etc.) as friends, showing affection towards them..." (*Al-Mumtahinah*, 1)

And He, the Most High, said:

"O you who believe! Take not as (your) *Bitānah* (advisors, consultants, protectors, helpers, friends, etc.) those outside your religion (pagans, Jews, Christians, and hypocrites) since they will not fail to do their best to corrupt you. They desire to harm you severely. Hatred has already appeared from their mouths, but what their breasts conceal is far worse." (*Āl-'Imrān*, 118)

And He, Glorified be He, said concerning having disavowal and hatred towards the *Kuffār*:

"Indeed there has been an excellent example for you in Ibrāhīm (Abraham) and those with him, when they said to their people: "Verily, we are free from you and whatever you worship besides Allāh, we have rejected you, and there

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has started between us and you, hostility and hatred for ever, until you believe in Allāh Alone..." (Al-Mumtahinah, 4)

And He, the Most High, said:

"You (O Muhammad) will not find any people who believe in Allāh and the Last Day, making friendship with those who oppose Allāh and His Messenger (Muhammad), even though they were their fathers, or their sons, or their brothers, or their kindred (people)." (Al-Mujādilah, 22)

And He, Glory be to Him, said:

"And (remember) when Ibrāhīm (Abraham) said to his father and his people: "Verily, I am innocent of what you worship, except Him (i.e. I worship none but Allāh Alone) Who did create me, and verily, He will guide me." (Az-Zukhruf, 26-27)

And He, Glorified be He, said:

"Say: If your fathers, your sons, your brothers, your wives, your kindred, the wealth that you have gained, the commerce in which you fear a decline, and the dwellings in which you delight are dearer to you than Allāh and His Messenger, and striving hard and fighting in His Cause, then wait until Allāh brings about His Decision (torment). And Allāh guides not the people who are Al-Fāsiqīn (the rebellious, disobedient to Allāh)." (At-Tawbah, 24)

These verses and tens of other verses are all clear texts concerning the obligation of having enmity towards the *Kuffār* and hating them and being free from them, and I do not think that anyone who has the least bit of familiarity with knowledge, could be ignorant of this.

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And if this is established, then know that America is a disbelieving country, which is an enemy towards *Islām* and the Muslims. And it has reached the pinnacle of arrogance and has deployed attacks upon many of the *Islamic* people as it has done in Sudan and Iraq and Afghanistan and Palestine and Libya and others as America has cooperated with the powers of *Kufr* such as Britain and Russia and others in their attacks and their attempts to destroy it (i.e. *Islām*).

Just like America removed the Palestinians from their homes and established the brothers of apes and pigs (i.e. the Jews) in Palestine and stood on the side of the transgressing state of the Jews with everything that it has from financial support and military and intelligence. So how could America commit all these deeds and not be considered an enemy to the *Islamic* people and an aggressor towards it (i.e. *Islām*)?

However, when it rebelled and transgressed and became arrogant and saw the U.S.S.R. was destroyed by the hands of the Afghani Muslims, it assumed that it became the only superpower, of which there was no power higher than it. And it forgot that Allāh, Glorified and High, is stronger than it and is able to humiliate it and destroy it.

And verily, from what we regret, is that many of our brothers from the '*Ulamā'* were overtaken by the side of mercy and emotion and they forgot – or were made to forget – what this disbelieving country commits from murder and destruction and mischief in many of the lands of *Islām*. And it did not do so with any mercy or compassion.

And I see that it is necessary upon me to respond to these misunderstandings, which are depended upon by some of our brothers of the '*Ulamā'*, with which they defend their position.

The First Misunderstanding: [Treaties]

From it is what I have heard from some of them that between America and us are covenants and treaties, and that it is obligatory upon us to abide by them. And my response to this misunderstanding is from two points of view:

The first point: The speaker was quick to accuse the Muslims of these occurrences when it has not even been proven, as of yet – according to the *Sharī'ah* – that the Muslims are responsible for these occurrences or that they contributed to them, so that it would have been possible for them to say that they violated the treaty. So if it has not been proven that we have committed these

explosions, and that we have taken part in them, then how could it be that we have violated the treaties? And our declaration of enmity towards the *Kuffār*, and hating them and being free from them, has no tie with breaking treaties or covenants. But verily, it is only an issue of what Allāh obligated upon us with the text of His Glorious Book.

The second point: If we confess that between the Muslims and the country of America, there are treaties and covenants, then why doesn't America comply with these covenants and treaties and end its transgression and harm of many of the people of *Islām*. Because what is known, is that the treaties and covenants hold both parties to comply with the treaties. And if they do not comply, then their treaties are broken. Allāh, Blessed and High, said:

"But if they violate their oaths after their covenant, and attack your religion with disapproval and criticism then fight (you) the leaders of disbelief (chiefs of Quraysh - pagans of Makkah) - for surely their oaths are nothing to them - so that they may stop (evil actions)." (At-Tawbah, 12)

The Second Misunderstanding: [Innocents]

They say that, from the dead were the righteous who were innocent and the response to this misunderstanding is from several point.

The first point: As-S'ab Ibn Juthāmah, may Allāh be pleased with him, narrated from the Prophet ﷺ that he was asked about the people of the homes of the *Musrikīn*, that they attack them at night, and they strike some of their women and children. He said, "They are from them." [Narrated by Al-Bukhārī, Muslim, Ibn Mājah, At-Tirmithī and others.]

The second point: The leaders of the Muslims used to employ, in their battles against the *Kuffār*, attacks with catapults. And it is known that when the catapult is fired, it does not differentiate between a combatant and other than him. And it might hit someone who those people would call innocent. But despite that, the *Sunnah* of the Muslims continued doing that in their battles. Ibn Qudāmah, may Allāh be merciful to him, said, "And it is permitted to erect a catapult because the Prophet ﷺ setup a catapult against the people of *At-Tā'if* and 'Amr Ibn Al-Aws erected a catapult against the people of *Iskandariyyah*." ["*Al-Mughnī Wash-Sharh*" , Vol. 10/503] And Ibn Qassim, may Allāh be merciful to him, said in his commentary, "And it is permitted to fire upon the *Kuffār* with catapults,

even if children and women and old men and monks are killed unintentionally, because of the *Ijmā'* concerning the permissibility of terrorizing them. Ibn Rushd, may Allāh be merciful to him, said, 'Terrorizing is permitted by *Ijmā'* against all types of *Kuffār*.' ["*Al-Hāshiyah 'Alā Ar-Rawdh* ", Vol. 4/270]

The third point: The jurists of the Muslims permitted killing those Muslims who were held as shields if they were prisoners under the power of the *Kuffār* and the *Kuffār* used those Muslims as shields when the Muslim archers would kill them. (This) even though those Muslims were used only as shields and would be innocent and they would be "innocent people", according to their terminology, and therefore would not be permitted to be killed. And Ibn Taymiyyah, may Allāh be merciful to him, has said, "And the '*Ulamā'* have unanimously agreed that if the *Kuffār* use their Muslim prisoners as (human) shields, and when it is feared harm upon the Muslims if they do not fight, then they must still fight even if this results in those Muslims being killed, who were being held as (human) shields." ["*Al-Fatāwa* ", Vol. 28/537 -546 and Vol. 20/52] And Ibn Qassim, may Allāh be merciful to him said in "*Al-Hāshiyah* ", "...he said in '*Al-Insāf*', 'And if they use the Muslims as (human) shields, then it is not permitted to fire upon them unless we fear for the (general body of) Muslims. (In that case), he must fire upon them while only intending to hit the *Kuffār*. And that is without disagreement.'" ["*Al- Hāshiyah 'Alā Ar-Rawdh* ", Vol. 4/271]

And I present a question directed to those brothers who use the word "terrorism" to label what occurred in America and I request an answer from them. The question is:

What of America's jet fighters and missiles, which engulfed the pharmaceutical factory in Sudan ² and destroyed it despite the employees who were there, causing the death of those Muslims present within it? Was this action of America *not* considered terrorism while the actions of those men against America *is* considered terrorism? And why have they grieved and denounced these events in America while we did not hear a single one of them denounce and grieve concerning what America did to the Sudanese factory, and those who were inside it?

² Referring to the August 20th missile attacks on the "*Al-Shifa* Pharmaceutical Factory" in Khartoum, Sudan in 1998, wherein the entire complex was flattened with scores of casualties. This factory was the producer of more than half of Sudan's entire medicine stocks, including antibiotics and vaccinations.

Verily, I see that there is no difference between these two operations except that the money, which was used to establish and operate the factory, was the money of the Muslims and the employees who were present in the destroyed factory and who subsequently perished, were Muslims. Whereas the money, which was spent on those buildings that were destroyed by the hijackers was the money of the *Kuffār* and the people who were destroyed during these explosions were *Kuffār*. So is this the difference which led to some of our brothers to label what occurred in America as "terrorism" whereas they do not grieve over what took place in Sudan?! And moreover, they do not even label that as "terrorism"!! And also, what happened to the Libyan people from famine and what happened to the Iraqi people from famine and being struck (by missiles) almost daily and what happened to the Muslim state of Afghanistan from sanctions and attacks; what are these to be called? Is it terrorism or not?!

So we respond to them by asking, what they mean by "innocent people"?

So the answer of these people cannot be except from one of three conditions:

The first condition: [Inability to Distinguish Between the People]

(They will say:) "They are from those who did not fight alongside their country; neither physically nor financially nor by supportive opinion nor by consultation and not even through other means." But this category is only to be preserved when it is possible to differentiate him from others and not when he is mixed within them. But if he is mixed within others and it is not possible to differentiate him from the others, then it is permitted to kill him when he is combined (with those who are permitted to kill) such as the elderly and the women and the children and the sick and the disabled and the isolated monks. Ibn Qudāmah said, "And it is permitted to kill the women and the children in *Al-Bayāt* (i.e. the nighttime attacks) and in the trenches as long as they are not identified specifically and it is permitted to kill their livestock to reach them (in order to) kill them and defeat them. And concerning this, there is no disagreement." [*Al-Mughnī Wash-Sharh' "*, Vol. 10/503] And he said, "And it is allowed to attack the enemy at night. Ahmad Ibn Hanbal said, 'There is no problem with the nighttime attack. And were the Romans besieged except for at night?' He said, 'And we do not know of anyone who disapproved of the nighttime attack.'" [*Al-Mughnī Wash-Sharh' "*, Vol. 10/503]

The second condition: [Supporters and Allies]

(They will say:) "They were not from the ones who directly fight alongside their *Mu'hārib* country. But they only aided it financially or by supportive opinion." But these are not labelled as "innocent", rather they are *Muhāribīn* and from the people of "*Rida*" – in other words, supporters and helpers. Ibn 'Abdul-Barr, may Allāh be pleased with him, said in "*Al-Istithkār*", "The '*Ulamā*' have not disagreed concerning killing those who fight from the women and old men and that is is permissible to kill them. And also, the children who are able to fight and do fight; they are killed too." [*Al-Istithkār*", Vol. 14/74] And the *Ijmā'* was also narrated by Ibn Qudāmah, may Allāh be merciful to him, concerning the killing of women and children and the elderly if they assist their people. And Ibn 'Abdul-Barr, may Allāh be merciful to him, said, "And they agreed concerning the Messenger of Allāh 's killing of Durayd Ibn As-Summa on the day of Hunayn because he was a person of opinion and strategem of war. So whoever is like this from the elderly, then they are killed according to all." [*At-Tamhīd*", Vol. 16/142] And An-Nawāwī, may Allāh be merciful to him, narrated in the explanation of (*Sahīh*) Muslim, within "The Book of *Jihād*", the *Ijmā'* upon (the permissibility of) killing the old men from the *Kuffār* if they take a supportive opinion. And Ibn Qassim, may Allāh be merciful to him, narrated in "*Al-Hāshiyah*", saying, "And they agreed that the judgement upon the assistant is the the same judgement as the individual combatant." And Ibn Taymiyyah, may Allāh be merciful to him, narrated this *Ijmā'* and also from Ibn Tayyimiyyah, that the helpers and supporters of *At-Tā'ifah Al-Mumtani'ah* (i.e. the group who refrains from what is obligatory to perform) are included in what they receive and what they offer.

The third condition: [Muslims Present Amongst Them]

(They will say:) "There were Muslims present." And these are those who are not permitted to kill as long as they are separate (from the others). But if they are mixed within other than them, and it is not possible to avoid killing them when they are among the others, then it is permitted. And this is indicated through the issue of (human) shields and the discussion, which has passed.

And what some people keep repeating, regarding their defence of the innocent – while being unaware of these "innocent people" are; then verily, this is but from the traces of the affects of the Westernized terminology and from the media. And it has reached the point where those who were not expected to, have repeated

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this same terminology and phrases of other than us (i.e. the Muslims), and which contradicts the phrases of the *Shari'ah*.

From the knowledge that it is permitted to do to the *Kuffār*, what they do to us, there is a refutation and a clarification for those who repeat the word "innocents", because Allāh, Glorified and Most High permitted that for us. And from the texts, which indicate that, is His, the Most High's statement:

And if you punish (your enemy, O you believers in the Oneness of Allah), then punish them with the like of that with which you were afflicted. (An-Nahl, 126)

And He, the Most High, said:

"And those who, when an oppressive wrong is done to them, they take revenge. The recompense for an evil is an evil like thereof." (Ash-Shūra, 39-40)

And among the words of the people of knowledge, concerning the permissibility to retaliate in kind, are:

Ibn Taymiyyah said, "Verily, the retaliation in kind is a right for them. So it is permitted for them to perform it in order to restore their morale and to take revenge, yet they may decline it (i.e. this right) when patience is preferable. But this is when the retaliation in kind would not result in any advance in the *Jihād* and when it would not increase their terror (so as to keep them away) from the likes of that. But if a widespread retaliation in kind would be an invitation for them towards *Īmān*, or a preventative factor towards their aggression, then in this case, it becomes included in a form of establishing the *Hudūd* (i.e. *Islāmic* legislated punishments) and a (proper) *Shari'ah*-based *Jihād*. [Narrated by Ibn Muflīh in "*Al-Furū'*", Vol. 6/218]

And it necessitates for all those who mention the issue of "murder of the innocent", without any restriction or specification, that they accuse the Messenger of Allāh and the *Sahābah* and those who succeeded them, as "murderers of the innocent", according to the terminology of those people. This is because the Messenger of Allāh erected the catapult in the battle of *At-Tā'if*. And from the nature of the catapult, is that it does not distinguish (the

innocent from the guilty). And the Prophet killed all those who reached puberty from the Jews of Banī Quraythah.

Ibn Hazm said in "*Al-Muhallā* ", commenting on the *Hadīth*: "It came on the Day of Quraythah that whoever attained the age of puberty, was executed." Ibn Hazm said, "This was general from the Messenger of Allāh that he did not leave (alive) from them, a tyrant, or a farmer or a tradesman or an old man and this is an authentic *Ijmā'* from him." [*"Al-Muhallā* ", Vol. 7/299]

Ibn Al-Qayyim, may Allāh be merciful to him, said in "*Zād Al-Ma'ād* ", "And it was from his 's guidance that if he held a covenant or a treaty with a people, and they violated it or some of them violated it and the rest approved and were pleased with it, that he would battle them altogether and he considered them all betrayers as he did with Banī Quraythah and Banī An-Nathīr and Banī Qaynuqā' and as he did with the people of Makkah. So this was his *Sunnah* with respect to those who violate their treaties and the betrayers." And he also said, "And Ibn Taymiyyah gave the *Fatwā* about battling the Christians of the East when they helped the enemy of the Muslims fight them, by supporting them financially and with arms. And even though they did not battle us nor did they wage war against us, he saw that they were violators of the treaty as Quraysh violated the treaty of the Prophet by supporting Banī Bakr Ibn Wā'il in their waging war against a people who were protected (by the Muslims) according to the rights of their treaty."

[Conclusion:]

And in conclusion, we know that the disbelieving West – and America in particular – will use these events and put them to work in their favor in order to revive the operation against the Muslims in Afghanistan and Palestine and Chechnya and without care for who the perpetrators were. And it will attempt to completely cleanse the *Jihād* and its people but it can never do that. And it will wage war against them in the name of combating terrorism and it will wage war against our brothers, the Muslims of Tālibān's *Islamic State* of Afghanistan. This state has protected and supported the *Mujāhidīn* and gave victory to them in a time where all others had turned away from them, while not submitting to the West.

Due to this, it is obligatory to help this *Mujāhid* state with everything available. He, the Most High, said:

"The believers, men and women, are *Awliyā'* (helpers, supporters, friends, protectors) of one another." (*At-Tawbah*, 71)

And He, the Most High, said:

"Help you one another in *Al-Birr* and *At-Taqwa* (virtue, righteousness and piety)..." (*Al-Mā'idah*, 2)

And it is obligatory to assist them financially and physically (from fighting) and consultation and publicity and supportive opinion and by defending their honour and their reputation and by supplicating for their victory and help and steadfastness.

And just as we have stated that it is obligatory upon all the Muslim people to assist the state of *Tālibān*, likewise it is obligatory upon the Muslim nations neighboring it, and those nearby to help the state of *Tālibān* against the disbelieving West.

And they must understand that failing (to support) this *Islamic* state, who are being fought for their religion and giving victory to the *Kuffār* is a type of allegiance and taking them as *Awliyā'* and assisting them against the Muslims.

"O you who believe! take not the Jews and the Christians as *Awliyā'* (friends, protectors, helpers, etc.), they are but *Awliyā'* to one another. And if any amongst you takes them as *Awliyā'*, then surely he is one of them." (*Al-Mā'idah*, 51)

And He, the Most High, said:

"O you who believe! Take not my enemies and your enemies (i.e. disbelievers and polytheists, etc.) as *Awliyā'*, showing affection towards them..." (*Al-Mumtahinah*, 1)

And He, the Most High, said:

"Indeed there has been an excellent example for you in Ibrāhīm (Abraham) and those with him, when they said to their people: "Verily, we are free from you and whatever you worship besides Allāh, we have rejected you, and there has started between us and you, hostility and hatred for ever, until you believe in Allāh Alone..." (Al-Mumtahinah, 4)

And He, the Most High, said:

"You (O Muhammad) will not find any people who believe in Allāh and the Last Day, making friendship with those who oppose Allāh and His Messenger (Muhammad), even though they were their fathers, or their sons, or their brothers, or their kindred (people)." (Al-Mujādilah, 22)

And He, Glory to Him, the Most High, said:

"And (remember) when Ibrāhīm (Abraham) said to his father and his people: "Verily, I am innocent of what you worship, except Him (i.e. I worship none but Allāh Alone) Who did create me, and verily, He will guide me." (Az-Zukhruf, 26-27)

And history and mankind will not forget the failing of these countries and it will be a humiliation upon them and their people and this disgrace will last throughout history.

And these neighboring countries must beware of letting their brothers down and must not help establish their enemies against them and (beware) the punishments of Allāh through His decree and His period of torment and His great terror! He

said, *"The Muslim is the brother to a Muslim. He neither surrenders him nor does he fail him."* [Narrated by Muslim] And he

said, in the *Hadīth Qudsī*, *"Whoever takes one of My 'Awliyā' as an enemy, then I have declared war against him."* [Narrated by Al-Bukhārī] And he

said, *"Anyone who has a believer disgraced in his presence and does not support him,*

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while being able to support him; Allāh, the Powerful, the Mighty, will humiliate him in front of all of the creation on the Day of Resurrection." [Narrated by Ahmad]

[Warning Pakistan:]

And we would like to remind the country of Pakistan, that its permission and surrender to the Americans – the enemies of *Islām* and the Muslims – and their establishing them within their airspace and land, is devoid of wisdom, nor is it from sophistication nor is it from politics at all. This is because it leads to the opportunity for the Americans to investigate the secrets of its country and to unveil its nuclear reactor sites, which terrorize the West and it could lead the Americans to allow the Jews attacking the Pakistani nuclear reactor as they did with the Iraqi nuclear reactor beforehand. And how could the country of Pakistan feel safe from its enemies of yesterday who threatened it? And I believe that even the (basic) intelligent people from the country of Pakistan – not to mention its religious ones – would never accept that and they could never open their hands to make the path easier for their enemies of yesterday.

We ask Allāh to give victory to His religion and the raise His Word and give strength to *Islām* and the Muslims and the *Mujāhidīn* and to disgrace America and its followers and whoever assists them. Verily, He is the One in charge of all that, and fully able to do so. And may Allāh bless our Prophet Muhammad and his family and his companions collectively.

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